

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claims 45, 47 and 48 have been amended to specify that the rodent is a mouse. Claims 45 and 47 have further been amended to specific that expression of the shRNA results in repression of the expression of a gene targeted by the shRNA. This language finds clear support through the entire specification, as the present invention is stated, even in the abstract, to enable constitutive and inducible gene knock down in living organisms using a shRNA expression vector integrated into the genome of the organism.

Claim 46 has been canceled since the mouse substance thereof has been taken into claim 45.

Applicants do not believe the new claims introduce any new matter.

Claims 45-47 were rejected under 35 USC § 112, first paragraph, as being broader than the enabling disclosure. In response, Applicants have limited the present claims without prejudice to mice, and also provided an expression phenotype. Thus, Applicants believe that each of the Examiner's concerns have been mooted.

Claims 45-48 were provisionally rejected on the ground of obviousness-type double patenting as being unpatentable over claims 27 and 30 of copending application Serial No. 10/685,837. In response, Applicants submit a terminal disclaimer relative to the copending application.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.

By /Kurt G. Briscoe/
Kurt G. Briscoe
Attorney for Applicant(s)
Reg. No. 33,141
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844